



IN THE UNITED STATES DISTRICT  
COURT FOR THE SOUTHERN DISTRICT  
OF ILLINOIS

RECEIVED

MAY 19 2008

MAY 19 2008 MB

Derrick K Carter )

(A)

MICHAEL W. DOBBINS

CLERK, U.S. DISTRICT COURT

COMPLAINT

PLAINTIFF(S)

CIVIL ACTION NO.

V.

08CV2897

JUDGE HART

MAGISTRATE JUDGE ASHMAN

Roger F Walker Jr. )

Danny Hartline, Daniel )

Austin, Lt. Wadkins, Sup )

Mahlandt, C/o McClain. )

DEFENDANT(S)

I. JURISDICTION & VENUE (B)

#1. THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION 1983 TO REDRESS THE DEPRIVATION, UNDER COLOR OF STATE LAW, OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. THE COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331 AND 1343 (A)(3). ~~PLAINTIFF SEEKS~~ DECLARATORY RELIEF PURSUANT TO 28 U.S.C. SECTION 2201 AND 2202. PLAINTIFF'S CLAIMS FOR INJUNCTIVE RELIEF ARE AUTHORIZED BY 28 U.S.C. SECTION 2283 & 2284 AND RULE 65 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

#2. THE SOUTHERN DISTRICT OF ILLINOIS IS AN APPROPRIATE VENUE UNDER 28 U.S.C. SECTION 1391 (B) (2) BECAUSE IT IS WHERE THE EVENTS GIVING RISE TO THIS CLAIM OCCURED.

## II. PLAINTIFFS (C)

#3. PLAINTIFF, DERRICK CARTER IS AND WAS AT ALL TIMES MENTIONED HERE IN A PRISONER OF THE STATE OF ILLINOIS IN THE CUSTODY OF THE ILLINOIS DEPARTMENT OF CORRECTIONS. HE IS CURRENTLY CONFINED IN PINKNEYVILLE CORRECTIONAL CENTER IN PINKNEYVILLE IL.

## III. DEFENDANTS (D)

#4. DEFENDANT, ROGER E. WALKER IS THE DIRECTOR OF STATE OF ILLINOIS. HE IS LEGALLY RESPONSIBLE FOR THE OVERALL OPERATION OF THE DEPARTMENT AND EACH INSTITUTION UNDER IT'S JURISDICTION INCLUDING PINKNEYVILLE CORRECTIONAL CENTER.

\*5. DEFENDANT DANNY HARTLINE IS THE DEPUTY DIRECTOR OF STATE OF ILLINOIS DIS. HE IS LEGALLY RESPONSIBLE FOR THE OPERATION OF THE DEPARTMENT AND EACH INSTITUTION UNDER ITS DISTRICT INCLUDING PINKNEYVILLE CORRECTIONAL CENTER.

\*6. DEFENDANT DANIEL AUSTIN IS THE WARDEN OF PINKNEYVILLE CORRECTIONAL CENTER. HE IS LEGALLY RESPONSIBLE FOR THE OPERATION OF PINKNEYVILLE CORRECTIONAL CENTER AND FOR THE WELFARE OF ALL THE INMATES OF THAT PRISON.

\*7. DEFENDANT <sup>LT.</sup> WADKINS IS A CORRECTIONAL OFFICER OF THE STATE OF ILLINOIS IN THE ILLINOIS DEPARTMENT OF CORRECTIONS WHO AT ALL TIMES MENTIONED IN THIS COMPLAINT HELD THE RANK OF LEUTENANT AND WAS ASSIGNED TO PINKNEYVILLE CORRECTIONAL CENTER.

\*8. DEFENDANT <sup>SUP.</sup> MAHLANDT IS A DIETARY SUPERVISOR OF THE ILLINOIS DEPARTMENT OF CORRECTIONS WHO AT ALL TIMES MENTIONED IN THIS COMPLAINT HELD THE RANK OF DIETARY SUPERVISOR AND WAS ASSIGNED TO PINKNEYVILLE

CORRECTIONAL CENTER.

#9. DEFENDANT <sup>c/o</sup> McLAIN IS A CORRECTIONAL OFFICER OF THE ILLINOIS DEPARTMENT OF CORRECTIONS WHO AT ALL TIMES MENTIONED IN THIS COMPLAINT HELD THE RANK OF CORRECTIONAL OFFICER AND WAS ASSIGNED TO PINKNEYVILLE CORRECTIONAL CENTER.

#10. EACH DEFENDANT IS SUED INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AT ALL TIMES MENTIONED IN THIS COMPLAINT EACH DEFENDANT ACTED UNDER THE COLOR OF STATE LAW.

#### IV FACTS (C)

#11. STATE IN DETAIL ALL FACTS THAT ARE THE BASIS FOR YOUR SUIT. YOU WILL WANT TO INCLUDE WHAT HAPPENED, WHERE WHEN HOW AND WHO WAS THERE. REMEMBER THAT THE JUDGE MAY KNOW VERY LITTLE ABOUT PRISON SO BE SURE TO EXPLAIN THE TERMS YOU USE. DIVIDE YOUR DESCRIPTION OF THE FACTS INTO SEPERATE SHORT PARAGRAPHS IN A WAY THAT MAKES SENSE BY TIME DATE OR

EVENT.

#12. YOU MAY WANT TO INCLUDE SOME FACTS THAT YOU DONT KNOW PERSONALLY IT MAY BE GENERAL PRISON KNOWLEDGE OR IT MAY BE INFORMATION GIVEN TO YOU BY PEOPLE WHO ARE NOT PLAINTIFFS IN YOUR LAWSUIT. IT IS PROPER TO INCLUDE THIS KIND OF INFORMATION BUT YOU NEED TO BE SURE THAT EACH TIME YOU GIVE THESE KIND OF FACTS YOU START THE PARAGRAPH WITH THE PHRASE "UPON INFORMATION AND BELIEF."

#13. YOU CAN REFER TO DOCUMENTS, AFFIDAVITS, AND OTHER MATERIALS THAT YOU HAVE ATTACHED AT THE BACK OF YOUR COMPLAINT. EACH DOCUMENT OR GROUP OF DOCUMENTS SHOULD HAVE ITS OWN LETTER: Example EXHIBIT A, EXHIBIT B, Etc.

### COUNT #1

CRUEL AND UNUSUAL PUNISHMENT (8<sup>th</sup> Amend)

CONDITIONS OF CONFINEMENT

ADEQUATE FOOD

#14. On about the 6<sup>th</sup> day of February, 2008,

Pinkneyville Correctional Center was placed on a level one (1) lockdown for alleged security reasons, in which the institution began to issue styrofoam trays, due to the lack of the inmate personnel designated to prepare and distribute the normal plastic trays.

On the 11<sup>th</sup> day of February, at approximately 7:30pm, the Plaintiff was indeed a resident of Pinkneyville Correctional Center Segregation Unit R5 D wing cell 21, where the Plaintiff awaited for what one being incarcerated would label the food provided as "chow", which is normally served at approximately 4:45<sup>pm</sup>. As the chuckhole (a lock and keyed compartment on the door used to pass residents of Segregation, items such as food, mail, sanitary supplies etc.) was opened by officer lawless, The Plaintiff proceeded to retrieve his styrofoam tray, and beverage. Upon observation and examination of the contents enclosed, in an attempt to consume these contents, the Plaintiff became immediately furious and disgusted in response to the texture, smell, and insufficient amount enclosed. The Plaintiff was then verbally informed by inmate's Eugene Willingham (cell 20), Devin Williams (cell 29), Shaun Longstreet (cell 30) and inmate Wyles (cell 61) that the trays were all the

Same. The Plaintiff proceeded to question the assigned Shift/wing officer c/o Lawless on what was going on, and officer Lawless replied quote: "Don't bug up on me we don't make the trays we just pass them out". The Plaintiff then inquired the name of the individual responsible for this distribution of inadequate food, in which officer Lawless response was, "It's Sup. Mahlandt's fault we don't see eye to eye anyway," directly implicating and verifying Defendant Mahlandt's involvement in this matter.

The contents enclosed consisted of two (2) pieces of stale wheat bread, a small portion of vegetables, and approximately three (3) teaspoons of a substance appearing to be edible, which may be described by an onlooking eye as "slop", also a half pint (236 mL) Pineapple drink containing substances of high fructose, and only 10% Pineapple juice and an individually packaged substance without any ingredients nor nutritious facts just a very vague description within the title which read "orange Sherbet" in which was closely examined only to find this package was not properly sealed.

The Plaintiff, along with a host of other



fellow residents requested to see the Chief Administrative Officer. The Plaintiff was then informed by C/O Lawless that the Defendant Daniel Austin had been notified and will be here 1<sup>st</sup> thing in the morning.

The following day on February 12<sup>th</sup> 2008, at approximately 9:45am, Defendant Daniel Austin (Chief Administrative Officer of Pinkneyville Corr. Center) made an appearance on segregation Unit R5 D wing, where Plaintiff was being temporarily confined. The Plaintiff was given the opportunity to confer with defendant Daniel Austin in regards to the prior incident, where the Plaintiff was informed by Defendant Daniel Austin that quote: "As long as I am here it will never happen again".

Defendant Mahlandt acted under the color of state law in the act of cruel and unusual punishment, in the deprivation of adequate food. Defendant Daniel Austin was indeed notified of the situation in which directly and indirectly implicated him to be legally responsible for the actions of Defendant Sup. Mahlandt.



COUNT #2  
CRUEL AND UNUSUAL PUNISHMENT (9<sup>th</sup> Amend)  
CONDITIONS OF CONFINEMENT  
ADEQUATE SANITATION

#15. On the 29<sup>th</sup> day of February 2008 at approximately 7:30pm where the Plaintiff was indeed a resident of Pinkneyville Correctional Center Segregation Unit R5B32 Defendant McLain approached Plaintiff's living space (B5132) with a broom and a dustpan in which at that moment Defendant McLain proceeded to present the opportunity to clean the Plaintiff's cell. At this moment the Plaintiff noticed that there was not a mop nor disinfectant available to accompany the broom and dustpan, which Defendant McLain possessed. The Plaintiff then proceeded in a respectful matter to inquire about the absence of the adequate sanitary supplies and equipment (mop and disinfect), in which Defendant McLain's response to Plaintiff's questions and concerns were very derogatory and inflammatory quote: "We don't have to give you motherfuckers shit". At this moment Defendant Wadkins made an appearance on R5B wing.

Plaintiff Carter verbally requested Defendant Wadkin's attention for a brief moment. Once Defendant Wadkins was visually in the presence of the plaintiff, the plaintiff addressed the deprivation of adequate Sanitary materials, supplies, and equipment required by State and federal law. Defendant Wadkins response to plaintiff's questions and concerns was quote: "Here at RS we dont have that kind of stuff". Plaintiff then proceeded to inform Defendant Wadkins of an incident that occurred on Feb 19, 2008 on another Segregation wing (RSD) where on that particular date the Plaintiff was indeed a resident of cell 21. On this occassion Plaintiff Carter engaged in a brief conference with Defendant Danny Hartline and Defendant Daniel Austin about the continuous denial by wing officers of adequate Sanitary Supplies and equipment. The Plaintiff also brought to Defendant Wadkins attention that during the plaintiff's conference with Defendant Hartline and Defendant Austin the Plaintiff informed Defendant Hartline and Defendant Austin that a grievance had been filed on Feb 13 2008 (see exhibit B) concerning this matter in which at that point Defendant Austin directed the first available correctional officer to supply Plaintiff

as well as the entire Dwing with a mop, broom dustpan and germiquad (a disinfectant substance) to properly sanitize plaintiffs living space.

After the Plaintiffs explanation of the prior but relative event to the one at hand in an attempt to make Defendant Wadkins aware of Plaintiffs knowledge of the existance of adequate sanitary supplies, defendant Wadkins response was quote "well this is my shift and its not gonna happen on my shift". After making this statement Defendant Wadkins proceeded to walk away from Plaintiffs living space.

Defendant Wadkins and Defendant McLain at all times mentioned acted under the color of state law in the act of Cruel and unusual Punishment in the Deprivation of adequate Sanitation. Defendant Austin and Defendant Hartline were both notified verbally by the Plaintiff of the Deprivation of adequate Sanitation in which directly and indirectly implicated Defendant Hartline and Defendant Austin to be legally responsible for the actions of Defendant Wadkins and Defendant McLain.

#16. AS A RESULT OF THE CRUEL AND UNUSUAL PUNISHMENT INFLICTED ON THE PLAINTIFF DERRICK CARTER, ALL SAID DEFENDANTS MENTIONED IN THIS COMPLAINT AT ALL TIMES MENTIONED ACTED UNDER THE COLOR OF STATE LAW IN ACCORDANCE WITH THE USCA CONSTITUTION AMENDMENT 14 WHICH ENSURES THE PLAINTIFF AS A US CITIZEN THE EQUAL PROTECTION OF THE LAWS, WHICH HAS CLEARLY BEEN NEGLECTED IN EACH COUNT PROVIDED.

### V. EXHAUSTION OF LEGAL REMEDIES (F)

#17. PLAINTIFF MUST USE GRIEVANCE PROCEDURE IF AVAILABLE AT INSTITUTION. ALSO THE SAME FACTS ON GRIEVANCE MUST BE SAME FACTS ON COMPLAINT PRESENTED. ALSO YOU MUST SHOW THAT GRIEVANCE HAS BEEN DENIED WITH THE DATE OF DENIAL ALSO THE DATE YOU APPEALED THE GRIEVANCE AND DATE OF DENIAL. (See Exhibit D)

### VI. LEGAL CLAIMS (G)

#18. THE DEPRIVATION OF ADEQUATE FOOD, THE DEPRIVATION OF ADEQUATE SANITATION VIOLATED PLAINTIFF'S RIGHTS AND CONSTITUTED CRUEL AND UNUSUAL PUNISHMENT UNDER THE 8<sup>th</sup> AMENDMENT TO THE UNITED STATES CONSTITUTION.

#19. THE ABSENCE OF THE EQUAL PROTECTION OF THE LAWS VIOLATED PLAINTIFF'S RIGHTS AND CONSTITUTED EQUAL PROTECTION VIOLATION UNDER THE 14<sup>th</sup> AMENDMENT TO THE UNITED STATES CONSTITUTION.

#20. THE PLAINTIFF HAS NO PLAIN, ADEQUATE, OR COMPLETE REMEDY AT LAW TO REDRESS THE WRONGS DESCRIBED HEREIN. PLAINTIFF HAS BEEN AND WILL CONTINUE TO BE IRREPARABLY INJURED BY THE CONDUCT OF THE DEFENDANTS UNLESS THIS COURT GRANTS THE DECLARATORY AND INJUNCTIVE RELIEF WHICH PLAINTIFF SEEKS.

## VII PRAYER FOR RELIEF (H)

#21. WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT THIS COURT ENTER JUDGEMENT GRANTING

PLAINTIFFS:

#22. A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HERE IN VIOLATED PLAINTIFFS RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES.

#23. A PRELIMINARY AND PERMANENT INJUNCTION ORDERING DEFENDANTS ROGER E WALKER Jr, DANNY HARTLINE DANIEL AUSTIN AND Sup MAHLANDT TO STOP DEPRIVING INMATES IN SEGREGATION AS WELL AS GENERAL POPULATION THE EQUAL PROTECTION FROM CRUEL AND UNUSUAL PUNISHMENT; CONDITIONS OF CONFINEMENT, ADEQUATE FOOD.

#24. A PRELIMINARY AND PERMANENT INJUNCTION ORDERING DEFENDANTS ROGER E WALKER Jr, DANNY HARTLINE DANIEL AUSTIN Lt WADKINS AND C/O McLAIN TO IMPROVE CONDITIONS OF CONFINEMENT FOR INMATES IN SEGREGATION AS WELL AS GENERAL POPULATION AND PROVIDE ADEQUATE SANITATION.

#25. COMPENSATORY DAMAGES IN THE AMOUNT OF \$1,000,000<sup>00</sup> AGAINST EACH DEFENDANT TO COMPLY WITH ALL CONDITIONS OF CONFINEMENT.

#26 PUNITIVE DAMAGES IN THE AMOUNT OF \$100,000<sup>00</sup>  
AGAINST EACH DEFENDANT

#27 A JURY TRIAL ON ALL ISSUES TRIABLE BY  
JURY.

#28 PLAINTIFF COSTS IN THIS SUIT

29. ANY ADDITIONAL RELIEF THIS COURT DEEMS  
JUST, PROPER AND EQUITABLE

DATED 5/3/2008 x Derrick Carter  
SIGNED

*Respectfully Submitted*

DERRICK CARTER  
PINKNEYVILLE CORRECTIONAL  
CENTER

PO Box 1000, 5835 St. Route 154  
PINKNEYVILLE ILLINOIS 62274-3410  
(618) 387-9722



CERTIFICATE OF VERIFICATION  
(J)

I HAVE READ THE FOREGOING COMPLAINT  
AND HEREBY VERIFY THAT THE MATTERS ALLEGED  
THERE IN ARE TRUE, EXCEPT AS TO MATTERS  
ALLEGED ON INFORMATION AND BELIEF AND AS TO  
THOSE, I BELIEVE THEM TO BE TRUE.

I CERTIFY UNDER PENALTY OF PERJURY THAT  
THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF  
MY KNOWLEDGE.

EXECUTED:

x De/k Cl 5/4/2008

# AFFIDAVIT

On the 11<sup>th</sup> day of February 2008 at approximately 730pm, a Styrafoam tray was delivered to Pinkneyville Correctional Center Segregation Unit R5D21 where I/M Derrick Carter was indeed a Segregation resident of this particular living space. The contents enclosed consisted of (2) two pieces of wheat bread (stale), a small portion of mixed vegetables and approximately (3) three teaspoons of a soupy like substance consisting of beans, meat, and gravy. Also a pineapple drink containing 10% pineapple juice and a packaged container labeled orange Sherbet in which the seal appeared to be open, and broken.

I Derrick Carter certify under penalty of perjury that the above statement is true and correct to the best of my knowledge.

X Derrick Carter  
SIGNATURE

5/8/2008  
DATE

## AFFIDAVIT

Since March 8<sup>th</sup> 2008 the Administration of Pinkneyville Correctional Center has denied segregation inmates the right to exhaust legal remedies by refusing to supply grievances on a daily basis. When asked by inmates about the distribution of grievances the response by officials were "Fill out a request to the counselor." The counselor never brings them, and I have not been given a grievance since the above date.

I Derrick Carter certify under the penalty of perjury that the above statement is true and correct to the best of my knowledge.

X Derrick Carter

5/11/2008

EXHIBIT D

## AFFIDAVIT

For approximately three (3) weeks as of (3-8-08) Inmate Derrick Carter (R60201) as well as All Residents of Pinkneyville Correctional Center Segregation Unit RS have been denied grievances on All occasions by officials due to the alleged unavailability of grievance forms to the Correctional officers. Inmates were instructed to fill out request forms addressed to the counselor concerning this issue, that only the counselors had the authority to pass out grievances and to no avail the counselor never brings them.

I % William Lawless <sup>NAME</sup> <sup>BADGE #</sup> certify under Penalty of Perjury that the above statement is true and correct to the best of my knowledge.

X % William Lawless  
SIGNATURE

12134  
BADGE #

03/30/2008  
DATE

# AFFIDAVIT

On the 11<sup>th</sup> day of February 2008 at approximately 7:30pm, a styrafoam tray was delivered to Pinkneyville Correctional Center Unit R50cell 21 where I/M Derrick Carter was indeed a segregation resident of this particular living space. The contents enclosed consisted of (2) two pieces of wheat bread a small portion of mixed vegetables and approximately 3 teaspoons of a soupy like substance consisting of beans, meat and gravy. Also a Pineapple Drink containing 10% Pineapple juice and a packaged container labeled "Orange Sherbet" in which the seal appeared to be broken.

T G/W. Lawless #12134 Certify under the penalty of Perjury that the above statement is true and correct to the best of my knowledge.

X G/W. Lawless 12134  
SIGNATURE BADGE #

3/17/08  
DATE

EXHIBIT A

Writ

ILLINOIS DEPARTMENT OF CORRECTIONS

**Administrative Review Board  
Return of Grievance or Correspondence**

Offender:

Carter

Last Name

Derrick

First Name

MI

ID#

S-12

R60201

Facility:

Pinckneyville

☒ Grievance (Local Grievance # (if applicable):

3-13-08

or

☐ Correspondence

Received:

3, 25, 08

Date

Regarding:

Dietary Tray 2-11-08

The attached grievance or correspondence is being returned for the following reasons:

**Additional information required:**

- ☒ Use the Committed Person's Grievance Report, DOC 0047 (formerly DC 5657), including the Grievance Officer's and Chief Administrative Officer's response, to appeal.
- ☐ Provide a copy of the Committed Person's Grievance, DOC 0046 (formerly DC 5657) including the counselor's response if applicable).
- ☐ Provide date(s) of disciplinary report(s) and facility where incident(s) occurred.
- ☐ Unable to determine nature of grievance or correspondence; submit additional specific information. Please return the attached grievance or correspondence with the additional information requested to: Administrative Review Board  
Office of Inmate Issues  
1301 Concordia Court  
Springfield, IL 62794-9277

**Misdirected:**

- ☐ Contact your correctional counselor regarding this issue.
- ☐ Request restoration of Good Conduct Credits (GCC) to Adjustment Committee. If request is denied, utilize the inmate grievance process outlined in Department Rule 504 for further consideration.
- ☐ Contact the Record Office with your request or to provide additional information.
- ☐ Personal property issues are to be reviewed at your current facility prior to review by the Administrative Review Board.
- ☐ Address concerns to: Illinois Prisoner Review Board  
319 E. Madison St., Suite A  
Springfield, IL 62706

**No further redress:**

- ☐ Award of Meritorious Good Time (MGT) and Statutory Meritorious Good Time (SMGT) are administrative decisions; therefore, this issue will not be addressed further.
- ☐ Not submitted in the timeframe outlined in Department Rule 504; therefore, this issue will not be addressed further.
- ☐ This office previously addressed this issue on \_\_\_\_\_ Date \_\_\_\_\_
- ☐ No justification provided for additional consideration.

Other (specify):

Review Dept. Rule 504 F and also provide the above.

Completed by:

Print Name

Sherry Benton

Signature

3 27, 08

Date

Distribution: Offender; Inmate Issues

DOC 0070 (10/2001)  
(Replaces DC 710-1274)

ILLINOIS DEPARTMENT OF CORRECTIONS  
OFFENDER'S GRIEVANCE

|  |   |                          |
|--|---|--------------------------|
| Date: <u>3-13-08</u>   | Offender: <u>Derrick Carter</u><br>(Please Print)                         | ID#: <u>R60201</u>       |
| Present Facility: <u>Pinkneyville Corr. Center</u>   | Facility where grievance issue occurred: <u>Pinkneyville Corr. Center</u> |                          |
| <b>NATURE OF GRIEVANCE:</b><br><input type="checkbox"/> Personal Property <input type="checkbox"/> Mail Handling <input type="checkbox"/> Restoration of Good Time <input type="checkbox"/> Disability<br><input checked="" type="checkbox"/> Staff Conduct <input checked="" type="checkbox"/> Dietary <input type="checkbox"/> Medical Treatment <input type="checkbox"/> HIPAA<br><input type="checkbox"/> Transfer Denial by Facility <input type="checkbox"/> Transfer Denial by Transfer Coordinator <input checked="" type="checkbox"/> Other (specify): <u>violation of Constitutional rights</u><br><input type="checkbox"/> Disciplinary Report: _____ Date of Report _____ Facility where issued _____  |   |                          |
| <p><b>Note:</b> Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.</p> <p><b>Complete:</b> Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to:<br/> <b>Counselor</b>, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board.<br/> <b>Grievance Officer</b>, only if the issue involves discipline at the present facility or issue not resolved by Counselor.<br/> <b>Chief Administrative Officer</b>, only if <b>EMERGENCY</b> grievance.<br/> <b>Administrative Review Board</b>, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.</p> |   |                          |
| <p><b>Brief Summary of Grievance:</b> <u>On the 11<sup>th</sup> day of February 2008 at approximately 7:30pm (beyond reasonable timing) a styrofoam tray was delivered to my living space (cell). Upon observation of the contents enclosed with eager intentions to consume these contents, I immediately grew angry and disgusted not on from the texture, smell and appearance but the amount enclosed was certainly not enough to satisfy a hungry human being. I proceed to question the wing officer lawless who was responsible for these inhumane actions and</u></p>  |   |                          |
| <p><b>Relief Requested:</b> <u>Disciplinary actions imposed on Sup Mahlandt and \$100,000 in compensatory damages!</u></p>   |   |                          |
| <input checked="" type="checkbox"/> Check only if this is an <b>EMERGENCY</b> grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.  |   |                          |
| <u>Derrick Carter</u><br>Offender's Signature  |   | <u>R60201</u><br>ID#     |
|  |   | <u>3-13-2008</u><br>Date |
| (Continue on reverse side if necessary)  |   |                          |

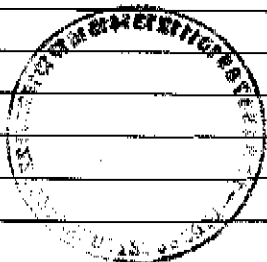
|  |   |
|--|---|
| <b>Counselor's Response (if applicable)</b>  |   |
| Date Received: _____   | <input type="checkbox"/> Send directly to Grievance Officer <input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277 |
| Response: _____  |   |
| <p><b>RECEIVED</b></p> <p><b>MAR 25 2008</b></p> <p><b>OFFICE OF INMATE ISSUES</b></p> |   |
| Print Counselor's Name _____   | Counselor's Signature _____<br>Date of Response _____   |

|  |  |
|--|--|
| <b>EMERGENCY REVIEW</b>  |  |
| Date Received: <u>3-17-08</u>  | Is this determined to be of an emergency nature? <input type="checkbox"/> Yes expedite emergency grievance |
| <input checked="" type="checkbox"/> No: no emergency is not substantiated. Offender should submit this grievance in the normal manner. |  |
| <u>Daniel S. Dunbar</u><br>Chief Administrative Officer's Signature  | <u>3-19-08</u><br>Date   |



ILLINOIS DEPARTMENT OF CORRECTIONS  
OFFENDER'S GRIEVANCE (Continued)

his response was "Sup Mahlandt is the supervisor in the dietary today, don't bug up on us we don't make the trays we just pass them out". The contents consisted of two (2) pieces of stale wheat bread, a small portion of vegetables and approximately (3) three teaspoons of a concoction appearing to consist of beans, an unidentified meat of some sort floating in a flour and water based gravy, a Pineapple Drink containing 10% Pineapple juice (1 pint/473ml), and ~~concoction~~ a packaged container without any form of ingredients nor nutritional facts informing the consumer of any contents deemed prohibited to ones religious beliefs or simply a cause of an allergic reaction. The US constitution assures me as a US Citizen the equal protection of the laws (14 Amend) in which is not ~~being~~ being exercised here in this matter. The 8<sup>th</sup> Amendment assures me as a US citizen the PROTECTION against any sort of cruel and unusual Punishment which states that Adequate Food is a provision of the conditions of confinement, all a part of the 8<sup>th</sup> Amendment Cruel AND Unusual Punishment Clause. The law has clearly been broken ultimately depriving me as a US citizen the equal protection of the laws and I am Seeking JUSTICE!



## EXHIBIT B

ILLINOIS DEPARTMENT OF CORRECTIONS  
OFFENDER'S GRIEVANCER60201  
5B52

|  |   |                    |
|--|---|--------------------|
| Date: <u>2-13-08</u>                               | Offender: <u>Derrick Carter</u><br>(Please Print)                         | ID#: <u>R60201</u> |
| Present Facility: <u>Pinkneyville Corr. Center</u> | Facility where grievance issue occurred: <u>Pinkneyville Corr. Center</u> |                    |

**NATURE OF GRIEVANCE:**

|  |  |  |                                     |
|--|--|--|-------------------------------------|
| <input type="checkbox"/> Personal Property           | <input type="checkbox"/> Mail Handling                           | <input type="checkbox"/> Restoration of Good Time                            | <input type="checkbox"/> Disability |
| <input checked="" type="checkbox"/> Staff Conduct    | <input type="checkbox"/> Dietary                                 | <input type="checkbox"/> Medical Treatment                                   | <input type="checkbox"/> HIPAA      |
| <input type="checkbox"/> Transfer Denial by Facility | <input type="checkbox"/> Transfer Denial by Transfer Coordinator | <input checked="" type="checkbox"/> Other (specify): <u>Violation of law</u> |                                     |

☐ Disciplinary Report: \_\_\_\_\_  
Date of Report: \_\_\_\_\_ Facility where issued: \_\_\_\_\_

**Note:** Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.

**Complete:** Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to:  
Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board.  
Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor.  
Chief Administrative Officer, only if EMERGENCY grievance.  
Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.

**Brief Summary of Grievance:** I have been a segregation detainee at the present facility mentioned above for approximately 28 days. On the 6th day of February 2008 the facility was placed on a level one (1) lockdown for supposed security reason. During the duration of this lockdown I have been denied cleaning supplies by numerous shift officers to clean my living space. According to the USCA Const. Amend. proper sanitation is constituted as conditions of confinement being a provision of the 8th Amendment which states "Excessive bail shall not be required nor excessive fines imposed nor cruel and unusual punishment"

**Relief Requested:** Bring me a mop and broom!

☐ Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.

Derrick Carter R60201 2/13/2008  
Offender's Signature ID# Date

(Continue on reverse side if necessary)

|  |   |
|--|---|
| <b>Counselor's Response (If applicable)</b>  |   |
| Date Received: <u>2-15-08</u>  | <input type="checkbox"/> Send directly to Grievance Officer <input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277 |
| Response: <u>Offender was given the opportunity to clean his cell on 2-15-08 per Warden's direction. Grievance is not.</u> |   |
| <u>M. [Signature]</u><br>Print Counselor's Name  | <u>[Signature]</u> <u>2-15-08</u><br>Counselor's Signature Date of Response   |

|   |   |
|---|---|
| <b>EMERGENCY REVIEW</b>                         |   |
| Date Received: _____                            | Is this determined to be of an emergency nature? <input type="checkbox"/> Yes; expedite emergency grievance <input type="checkbox"/> No; an emergency is not substantiated. Offender should submit this grievance in the normal manner. |
| Chief Administrative Officer's Signature: _____ | Date: _____   |

inflicted and as a US citizen I am entitled to equal protection of the laws, CRUEL AND UNUSUAL PUNISHMENT is undoubtedly being exercised and is clearly against the law!